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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,853	03/13/2000	Hadi Partovi	22379-710	6249

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WAGNER, MURABITO & HAO LLP  
TWO NORTH MARKET STREET  
THIRD FLOOR  
SAN JOSE, CA 95113

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/523,853

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Detail Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/21/2004 has been entered.

Claims 7, 10 and 13 have been amended. Claims 2 and 6 have been cancelled. Claims 23-25 have been added as new claims. Claims 1, 3-5, and 7-25 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-5 and 7-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albal et al. (US 2003/0147518), herein after referred as Albal, in view of Ksiazek (US 6,597,765).**

4. As to claim 1, Albal teaches a method of using a telephone identifying information to present information over a telephone interface using a first computer, the method comprising:

selecting at least one voice character prosody setting of a language based on the telephone identifying information, wherein the voice character prosody setting comprises a speech pattern selected from a set of speech patterns (*through the use of caller line identification "CLI" or automatic number identification "ANI", communication node 212 automatically selects and provides various dialog voice personalities, such as a female voice, a male voice, etc., based upon a user profile, the user's communication device, and/or the user's speech patterns*) (Albal, paragraphs [0047], [0048] and [0066]); and

presenting information according to the at least one voice character prosody setting over the telephone interface using the first computer (*application server 242 retrieves, process the retrieved information and provide/output the information to the user via the VRU server 234*) (Albal, paragraphs [0066] and [0074]).

However, Albal does not explicitly teach wherein a speech pattern identifies an intonation for presenting said language.

In a related art, Ksiazek teaches a telecommunications system comprising an originating operator services position system (OSPS), which accesses the ANI database to determine the appropriate assigned operator language services (*the term language referring to not only natural spoken language but also variations including but*

*not limited to such as service announcements, wording, intonation, branding or operator treatment) for the telephonic call (Ksiazek, C3: L45-55 and C4: L24-34).*

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Albal and Ksiazek to specify/select a speech pattern identifying an intonation for presenting said language since such methods were conventionally employed in the art to provide multi-language with multiple variations services to the users, to provide a user-friendly environment by using the same language, speech pattern, intonation, etc., and also to enhance the ability of voice processing systems to allow users to interact with electronic communication systems in a preferred voice character according to the users location or identification.

5. As to claims 3-4 and 7, Albal-Ksiazek teaches the method of claim 1, wherein the telephone identifying information is used to identify a locale associated with a corresponding or preferred speech pattern of the set of speech patterns, and the voice character prosody setting comprises the corresponding speech pattern of the set of speech patterns *(based upon the user's telephone number through the use of automatic number identification "ANI" or caller line identification "CLI" which can identify the local or region such as a hospital or a nursing home, and/or the user's speech patterns, the appropriate speech patterns such as high volume and/or slower speech pattern are selected)* (Albal, paragraph [0066]).

6. As to claims 5 and 21-22, Albal-Ksiazek teaches the method of claim 1, wherein the voice character prosody setting further comprises a particular voice actor (*i.e., the communication node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc.*) and a particular speed and a particular volume level (*the communication node 212 can also allow the user to select a particular speech pattern based on the user profile, the user's communication device, and/or the user's speech patterns*) (Albal, paragraphs [0047]).

7. As to claim 8, Albal-Ksiazek teaches a computer supporting user personalized profiles using a telephone identifying information, a telephone interface, and an Internet interface, the computer system comprising:

a database (*a database server unit 244 of the communication node 212*) including personalization profiles for a plurality of users, each profile defining preferences, personalizing a corresponding user's interactions with the computer system, and indicating a voice character prosody setting of a language;

a server (*an application server 242, a gateway server or a router firewall server 246 of the communication node 212*) supporting the Internet interface, the server allowing access to, and modification of, the personalization profiles by the corresponding users;

a telephone interface subsystem (*a telephone switch 230 of the communication node 212*) supporting the telephone interface to receive the telephone identifying information through the use of automatic number identification "ANI" or caller line

identification "CLI" to access the corresponding personalization/user profile (Albal, Fig. 9 and corresponding text).

8. Claim 9 is a corresponding computer system claim of claim 3; therefore, it is rejected under the same rationale.

9. As to claim 10, Albal-Ksiazek teaches the computer system of claim 8, wherein the telephone identifying information includes a caller number identification (CID), wherein the CID is used by the first program code to perform matching of calls to a personalization/user profile of said database (Albal, paragraph [0047] – [0048]).

10. As to claim 11, Albal-Ksiazek teaches the computer system of claim 8, wherein the server includes a web server (*the content providers 208 and 221 can include a server to operate web pages or documents in form of a markup language*) for presenting customized interfaces to users to access and modify the personalization profiles (Albal, Fig. 9 and corresponding text, paragraph [0079]).

11. As to claim 12, Albal-Ksiazek teaches the computer system of claim 8, wherein the telephone interface subsystem includes a call manager (*the telephone switch 230*), the call manager supporting multiple simultaneous telephone calls over the telephone interface (Albal, Fig. 9 and corresponding text, paragraph [0055] – [0056]).



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12. Claim 13 is a corresponding claim of claim 8; therefore, it is rejected under the same rationale.

13. Claims 14-20 are corresponding claims of claims 1, 3-4 and 21-22; therefore, they are rejected under the same rationale.

14. As to claim 23, Albal-Ksiazek teaches the computer system of claim 1, further comprising:

identifying a user speech pattern based on a speaking voice of a user;

selecting a second voice character prosody setting of the language based on the user speech pattern; and

subsequently, presenting said information according to the second voice character prosody setting over the telephone interface using the first computer (Albal, paragraph [0066]).

15. Claims 24-25 are corresponding claims of claim 23; therefore, they are rejected under the same rationale.

### ***Response to Arguments***

16. In the remarks, applicant argued in substance that

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(A) Prior Art does not teach, disclose, or suggest “presenting information over a telephone interface according to a voice character prosody setting over the telephone interface using the first computer”.

As to point (A), **Albal** teaches the TTS unit 252 of the VRU server 234 receives textual data or information (*i.e., email, web pages, documents, files, etc.*) from the application server unit 242, the database server unit 244, processes the textual data and converts the data to voice data or information, wherein the ASR unit 254 of the VRU 234 identifies a selected speech pattern and sends an output signal to implement the specific function associated with the recognized voice pattern (**Albal**, [0063-0066]).

Also, in the related art, **Ksiazek** teaches a telecommunications system comprising an originating operator services position system (OSPS), which accesses the ANI database to determine the appropriate assigned operator language services for the telephonic call, wherein the term language referring to not only natural spoken language but also variations including but not limited to such as service announcements, wording, intonation, branding or operator treatment (*i.e., presenting information over a telephone interface according to a voice character prosody*) (**Ksiazek**, C3: L45-55 and C4: L24-34).

17. Applicant's arguments as well as request for reconsideration filed on 06/21/2004 have been fully considered but they are moot in view of the new ground(s) of rejection.

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18. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

19. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen  
Examiner

  
Paul Kang  
Primary Examiner